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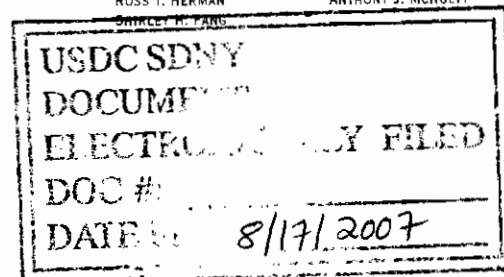
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MEMO ENDORSED

August 13, 2007

VIA HAND DELIVERY

Honorable Denny Chin
United States District Judge
500 Pearl Street, Room 1020
New York, NY 10007

Re: *Gitto v. A.W. Chesterton Co., Inc., et al.*, 07 Civ. 04771 (DC)

Dear Judge Chin:

Eaton Hydraulics Inc., f/k/a Vickers, Incorporated ("EHI") respectfully requests leave to file a brief sur-reply of no more than five pages in response to Plaintiffs' Reply Memorandum in Support of Plaintiffs' Motion to Remand, dated August 3, 2007. EHI has conferred with Plaintiffs' counsel, Jerome Block, who has not consented to EHI's request.

EHI requests leave to file this sur-reply to address certain factual and legal inaccuracies in Plaintiffs' reply brief. By way of example, Plaintiffs' brief requests that the Court strike the testimony of EHI's three U.S. Navy declarants based on a lack of personal knowledge. Not only do EHI's declarants have first-hand knowledge of the Navy's direct and detailed control over the very conduct at issue through their contemporaneous Navy service, their sworn testimony discusses in detail such control. In direct contrast, Plaintiffs' reply brief fails to mention that Plaintiffs' only U.S. Navy declarant was not even in the Navy during the relevant time period and thus he has no personal knowledge of the issues before the Court.

DENIED. so ORDERED.

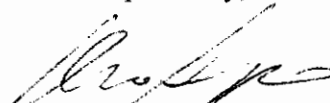
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8/17/07

Honorable Denny Chin
August 13, 2007
Page 2

As EHI is mindful of the considerable materials already presented to the Court, EHI requests leave to file this brief sur-reply to address these inaccuracies. Should the Court decide a sur-reply is not necessary, EHI reiterates its request for oral argument.

Respectfully,

A handwritten signature in black ink, appearing to read 'Andrew Sapon', with a stylized flourish at the end.

Andrew Sapon

cc: Jerome H. Block, Esq., Counsel for Plaintiffs (via Facsimile and Regular Mail)
All Other Counsel via Regular Mail